

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PATRICK M. MEAGHER,

Civil No. 06-3124 (JRT/RLE)

Plaintiff,

v.

ORDER

TERRY P. HEGGEMEIER,

Defendant.

Ronald J. Riach, Franke & Riach, PA, 1000 County Road E West Suite 200, Shoreview, MN 55126, for plaintiff.

Patricia R. Cangemi, Assistant U.S. Attorney, 300 U.S. Courthouse, 300 S. 4th St., Minneapolis, MN 55415, for defendant.

Based upon the Report and Recommendation of United States Chief Magistrate Judge Raymond L. Erickson, and after an independent review of the files and records in this case, and on the fact that no objections have been filed to the Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. The defendant's Motion to Substitute and Dismiss [Docket No. 27] is granted. The United States shall be substituted for defendant Heggemeier. Defendant Heggemeier is dismissed with prejudice from this action.
2. The Plaintiff's Motion to Remand [Docket No. 35] is denied.
3. This case is hereby dismissed with prejudice in its entirety.

DATED: August 30, 2007
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge